

Chapter 29.10. Performance Standards for Industrial and Other Uses.

29.10.010. Purpose.

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

29.10.020. General Provisions.

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements". No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

29.10.030. Performance Standards Procedure.

The zoning administrator may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter.

29.10.040. Enforcement Provisions Applicable to All Uses.

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the zoning administrator against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

29.10.050. Nonconforming Uses.

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have five (5) years in which to conform therewith.

29.10.060. Locations Where Determinations are to be made for Enforcement of Performance Standards.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

- A. In any district, except an M-District, at the lot line of the establishment or use.
- B. In an M-District at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than an M-District.

29.10.070. Dangerous and Objectionable Elements.

A. Noise. At points of measurement stated in 29-10-060 above, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I, after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standards Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., N.Y., N.Y., shall be used.)

Table I	
Frequency Ranges Containing Standard Octave Band in Cycles per Second	Octave Band Sound Pressure Level in Decibels re: 0.0002 dyne/cm ²
0 to 74	69
75 to 149	54
150 to 299	47
300 to 599	41
600 to 1,199	37
1,200 to 2,399	34
4,800 and above	28

Table II		
<u>Type or Location of Operation</u>		<u>Correction or Character of Noise in Decibels</u>
1. Emission only between 7:00 A.M., and 7:00 p.m.	+5a	a. Apply one plus correction only.
2. Noise source operated less than 5 per cent of any one-hour period	+5a	
3. Property is not located in one of the R-districts and is not within 500 feet of any R-district	+5a	
4. Noise of impulsive character (hammering, etc)	-5b	b. Apply one minus correction only.
5. Noise of periodic character (hum, screech, etc.)	-5b	

B. Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurement specified in 10-29-060 herein.

C. Odors. No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four of clean air at points of measurement specified in 29-10-060 herein, or at point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail. (There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds," in Chap. 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.)

D. Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in 29-10-060 herein. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions of this Ordinance.

E. Fire and Explosion Hazards. All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.

F. Radioactivity or Electric Disturbances. No activities shall be permitted which emit dangerous radio-activity at any point, or electrical disturbance adversely affecting the operation of any equipment other

than that of the creator of such disturbance.

G. Smoke. No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.

H. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted except in accordance with air pollution provisions of the Utah State Board of Health.

I. Liquid or Solid Wastes. No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the State Department of Health or standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.